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4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

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7 THE BANK OF NEW YORK MELLON,  
8 Plaintiff(s),  
9 v.  
10 SOUTHERN HIGHLANDS COMMUNITY  
11 ASSOCIATION, et al.,  
12 Defendant(s).

Case No. 2:17-CV-2146 JCM (GWF)

ORDER

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14 Presently before the court is defendant SFR Investment Pool 1, LLC's motion for demand  
15 for security of costs. (ECF No. 10). Defendant asks that plaintiff Bank of New York Mellon  
16 (BNYM) file security of costs in the amount of \$500.00 in favor of the defendant pursuant to NRS  
17 18.130(1) because plaintiff is a non-resident of Nevada.

18 The Ninth Circuit recognizes that "federal district courts have inherent power to require  
19 plaintiffs to post security for costs." *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d  
20 573, 574 (9th Cir. 1994). A federal district court typically follows the forum state's practice  
21 regarding security of costs, particularly when a party is a non-resident. *See, e.g.*, 10 Charles Alan  
22 Wright & Arthur R. Miller, Federal Practice and Procedure § 2671 (3d ed. 1998). Section 18.130  
23 of the Nevada Revised Statutes provides that the court may require an out-of-state plaintiff to post  
24 a security for costs in an amount up to \$500.00 upon request by a defendant. Nev. Rev. Stat. §  
25 18.130.

26 This court finds it appropriate to order security of costs in this matter.

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Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion for demand for security of costs (ECF No. 10) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiff shall post security in the amount of \$500.00 within fourteen (14) days of the entry of this order.

DATED September 25, 2017.

  
UNITED STATES DISTRICT JUDGE